

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of TALTON, *et al.*

Application No. 09/856,415

Examiner:

Filed: May 18, 2001

Group Art Unit:

For: METHODS FOR PREPARING COATED DRUG PARTICLES AND
PHARMACEUTICAL FORMULATIONS THEREOF

TRANSMITTAL LETTER

Box PCT
Commissioner for Patents
Washington, D.C. 20231

Sir:

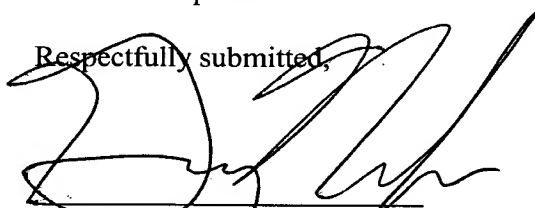
Please find enclosed for filing:

- ☒ Response to Notification of Missing Requirements and Submission of Signed Declaration
- ☒ Copy of Notification of Missing Requirements Under 35 U.S.C. 371
- ☒ Declaration
- ☒ Fee: \$65.00
- ☒ Other: Postcard Receipt (1)
- ☒ Please charge any deficiencies or credit any overpayment to Deposit Account No. 50-0951. This Transmittal Letter is submitted in duplicate.

Date:

2 July 2001

Respectfully submitted,



Gregory A. Nelson
Registration No. 30,577
Neil R. Jetter
Registration No. 46,803
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07/06/2001 UEDUVIJE 00000084 09856415

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Docket No. 5853-186US

Express Mail Label: EL 649715769US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application No. 09/856,415

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**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS AND
SUBMISSION OF SIGNED DECLARATION**

Box PCT
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Washington, D.C. 20231

Sir:

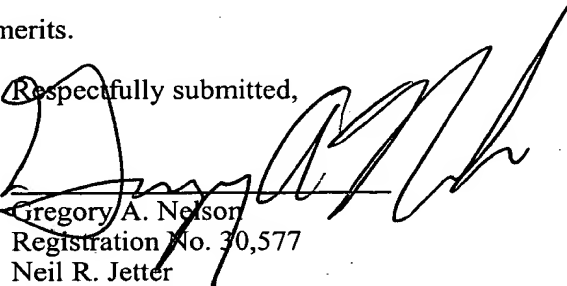
In the above-identified application, Applicant has received a Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), form PCT/DO/EO/905, mailed June 21, 2001, indicating that the oath filed with the above-identified application on May 18, 2001 did not include the signature of the inventors. Applicant hereby submits the Declaration for the above-identified application signed by the inventors and a check in the amount of \$65 covering the surcharge required under 37 C.F.R. §1.1492(e) for a small entity. Applicant has also included a copy of the Notification of Missing Requirements dated June 21, 2001.

Applicant requests examination on the merits.

Date:

2 July 2001

Respectfully submitted,


Gregory A. Nelson
Registration No. 30,577
Neil R. Jetter
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UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/856415	TALTON J	5853-186US
INTERNATIONAL APPLICATION NO.		

AKERMAN SENTERFITT & EIDON
POST OFFICE BOX 3188
WEST PALM BEACH, FL 33402 3188

PCT/US99/27401

I.A. FILING DATE	PRIORITY DATE
18 NOV 99	18 NOV 98

DATE MAILED:

21 JUN 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee. ☐ Indication of Small Entity Status.
 - ☒ Copy of the international application. ☐ Translation of the international application into English.
 - ☐ Oath or Declaration of inventor(s). ☐ Translation of Article 19 amendments into English.
 - ☐ Copy of Article 19 amendments. ☒ Other: IB 306, IDS
 - ☐ Priority Document.
 - ☒ The International Preliminary Examination Report in English and its Annexes, if any.
 - ☐ Translation of Annexes to the International Preliminary Examination Report into English.
2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- ☐ U.S. Basic National Fee.
 - ☐ Copy of the international application.
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
 - ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
 - ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
 - ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
4. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☐ PCT/DO/EO/920

FORM PCT/DO/EO/905 (March 2001)

FRANCINE YOUNG
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Akerman, Senterfitt & Eidson, P.A.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/856415	TALTON J	5853-186US

AKERMAN SENTERFITT & EIDON
POST OFFICE BOX 3188
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INTERNATIONAL APPLICATION NO.

PCT/US99/27401

I.A. FILING DATE	PRIORITY DATE
18 NOV 99	18 NOV 98

DATE MAILED:

21 JUN 2001

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America. The period within which to correct the deficiency noted below and avoid abandonment is set in the accompanying Notification.

A new oath or declaration, properly identifying this application (preferably by the international application number and international filing date) is required. The oath or declaration does not comply with 37 CFR 1.497(a),(b) and (f) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the application to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b), AND 1.497(d) WHERE APPROPRIATE, WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the mailing address of each inventor. If the residence is different from the mailing address, then the city and state or city and foreign country of residence of each inventor must also be given.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate for which a claim for priority is made pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.

FRANCINE YOUNG

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